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12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SKYWEST PILOTS ALPA ORGANIZING  
15 COMMITTEE, *et al.*,

C

CASE NO.:

2688

16 Plaintiffs,

17 vs.

18 SKYWEST AIRLINES, INC.,

19 Defendant.

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DECLARATION OF  
JEFFREY MACDONALD IN SUPPORT  
OF TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY  
INJUNCTION

**Declaration of Jeffrey MacDonald**

1. My name is Jeffrey MacDonald. I am a Manager in the Representation Department for the Air Line Pilots Association, International ("ALPA") with responsibility, among other matters, for the effort to assist the pilots of SkyWest Airlines ("SkyWest") in organizing to elect ALPA as their collective bargaining representative. I have been employed by ALPA since 1999.

2. Prior to my time at ALPA, I served as an associate professor on the graduate faculty of the Michigan State University School of Labor and Industrial Relations for approximately 10 years. During my career I have worked or consulted with most of the unions currently affiliated with the AFL-CIO. I spent seven years as the Deputy Director of the George Meany Center. As Deputy Director of the George Meany Center, I supervised the organizing curriculum of the AFL-CIO, which typically includes 10 to 20 one week organizing schools per year, training hundreds of organizers annually. I also served for twelve years as the Meany Center's representative on the AFL-CIO's National Organizing Task Force, which consisted of the Organizing Director for each of the affiliated unions of the AFL-CIO. During that time there was a lively and ongoing debate within the group concerning effective methods for organizing employees, and most unions were actively seeking new models for expanding their membership through grass roots organizing.

3. From 1996 to 1999, I served as Assistant Chief of Staff for the National Mediation Board, the federal agency that oversees labor relations in the airline and railroad industries. In that role, I oversaw the mediation of conflicts between labor and management in the context of collective bargaining.

4. ALPA is certified or recognized to represent pilots at commercial airlines throughout the United States pursuant to the Railway Labor Act. It currently is seeking to organize and represent the pilots employed by SkyWest. For the past year, I have been supervising ALPA's work with the SkyWest Pilots ALPA Organizing Committee (the "OC"). The OC was formed by SkyWest pilots in an effort to organize the pilot group through an authorization card campaign and to elect ALPA as the exclusive collective bargaining representative for the pilots at SkyWest. The pilots at SkyWest are currently unrepresented.

5. My experience has taught me that free and open exchanges among employees are essential to an organizing drive. Employees on the organizing committee who are advocating for electing a bargaining representative must feel comfortable expressing their support for the union, informing interested employees about the union, and engaging in frank discussion with employees who are interested in the issues raised by an organizing campaign. In my experience, this type of expressive activity and communication is necessary for interested employees to learn about an organizing effort and to have their questions answered. If members of an organizing committee feel intimidated by their

employer, they are less likely to discuss the issues with interested co-workers and less likely to be active or effective advocates, and the campaign suffers.

6. Similarly, I have observed that when the ability to disseminate information about the campaign is hindered by management interference, employee organizers are not only prevented from educating co-workers who seek information, they also begin to feel intimidated and isolated by management. Once the impact of such intimidation sets in, employee organizers become less vocal in their support because they fear running afoul of various management directives and exposing themselves or co-workers to potential discipline. When that occurs, the energy and momentum of the campaign begin to dwindle. It is extremely difficult to restore the same level of interest and intensity. During an organizing campaign, it is therefore critical to have events regularly that maintain excitement and momentum and that show growing support for the union. If a campaign proceeds for too long without maintaining visibility, there is a danger that support for the union will wane.

7. I have worked with and personally met almost every member of the SkyWest Pilots ALPA Organizing Committee. The OC members come from a range of prior aviation and other career experiences and reflect a wide range of tenure at SkyWest. Active members of the OC have worked at SkyWest for anywhere from two years to twenty years. Some members of the OC have been ALPA members in the past at other airlines.

8. During this campaign, a number of OC members have told me about incidents they have had with management regarding their support for ALPA. Many OC members have been instructed to remove their ALPA lanyards by management officials and almost all of them permanently stopped wearing ALPA lanyards after being instructed by management to remove them, out of fear of adverse career consequences. Wearing an ALPA lanyard allows OC members to show their support for the organizing effort, and allows fellow pilots to identify those that could be a source of information about that campaign. I have found in other organizing campaigns that the wearing of union insignia, such as lanyards or pins, by union supporters is a highly effective method of demonstrating support for the campaign and building solidarity. By forcing the OC members to remove their ALPA lanyards, SkyWest management has blocked this public signal to non-affiliated pilots and the public presence of the OC is diminished substantially. OC members have thus been denied the opportunity to engage in a basic kind of expressive activity that occurs in normal organizing campaigns to show and build support for the union. In addition, SkyWest pilots who support the ALPA organizing campaign have felt singled out because management has allowed its pilots to continue to wear lanyards with the logos of other non-SkyWest organizations such as sports teams, charities and commercial enterprises.

9. OC members have also seen ALPA fliers posted in crew rooms and on general message boards removed by management officials and as a result have ceased distribution of such materials in those crew rooms, especially when management pilots are present. Distribution of materials in crew rooms and on message boards is one of the

few means of communicating with the entire pilot group. Given the nature of pilots' jobs, they rarely congregate or meet in a single location, and virtually the only occasions when they meet face to face is if they are on the same crew or their schedules happens to overlap such that they are in the same airport at the same time. Without the ability to post fliers on bulletin boards and distribute materials elsewhere in crew rooms, the OC has almost no ability to expand its outreach beyond those who have made an effort to seek out information from the OC.

10. The OC has also stopped distributing information in pilot V-files (mailboxes) after early attempts to distribute information in that manner were immediately removed by management. V-files are the only method by which the OC can reach out to each pilot directly. Without access to these files, OC members cannot successfully reach out to all members of the pilot group.

11. On numerous occasions, I have requested that OC members talk about ALPA in non-work areas. Throughout this campaign OC members have been open about their concern that active involvement in union organizing may result in disciplinary measures being taken against them by their employer, and they have expressed real concern that their long-term career prospects in the industry as a whole may suffer as a result. While one or two members have been willing to speak out, most members of the OC have been reluctant to engage in conversations with their fellow pilots on the subject of union organizing in non-work areas of the crew room and other public areas in which their activities might be noticed by SkyWest management.

12. Historically, in other ALPA organizing drives, pilot-to-pilot interaction in the crew room has been an extremely effective tool for engaging with individual pilots and advocating for ALPA representation. In this respect, SkyWest has been unique within ALPA organizing experience. The campaign has suffered from the atmosphere of fear and intimidation created by SkyWest because it has stripped pilots seeking to elect ALPA as their collective bargaining representative of a potent tool for furthering their organizing goals. Written materials are an important complement to pilot-to-pilot interaction. This is so because written or electronic materials, if distributed to the entire pilot group, reach a wider audience than one-on-one conversations, and do not depend on scheduling luck. As discussed above, because of the nature of their jobs, all pilots are rarely in the same location and thus have few opportunities to speak directly to each other. In addition, each day that SkyWest's coercive course of action persists, the danger grows that support for the organizing campaign will irreversibly wane.

Under penalty of perjury, I affirm that the information contained herein is complete and accurate to the best of my ability and recollection.

MAY 18, 2007  
Date

Jeffrey MacDonald  
Jeffrey MacDonald